

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
LEONIS FRANKLIN,

Docket No. 07 CV 8590
(RS/DF)

Plaintiff,

-against-

FUJITEC SERGE OF NY and "JOHN DOE"
a fictitious name for a foreman employed by
FUJITEC SERGE OF NY,

Defendants.

NOTICE OF MOTION
TO SUBSTITUTE
COUNSEL FOR
PLAINTIFF

S I R S:

PLEASE TAKE NOTICE, that upon the annexed affirmation of Kenneth T. Kerner, dated July 29, 2008, and upon all of the pleadings and proceedings heretofore had herein, the undersigned will move this Court before the Honorable Richard J. Sullivan, at a time and place designated by this Court at 500 Pearl Street, New York, New York, for an order, pursuant to Local Rule 1.4 for an order, (a) permitting Kerner & Kerner to substitute as attorneys for plaintiff in the place and stead of Steven Siegel, P.C., (b) directing Steven Siegel, P.C. to turn over his entire file in the within action to Kerner & Kerner, Esqs. within twenty (20) days from the date of the Order to be made hereon, (c) granting Steven Siegel, P.C. a charging lien against the proceeds of any recovery had herein, the extent of which is to be determined at the conclusion of the within action by stipulation or further order of this Court, and (d) granting such other and further relief as to this Court may seem just and proper in the circumstances.

PLEASE TAKE FURTHER NOTICE that any answering papers to the within motion must be served upon the undersigned in accordance with Local Rule 6.1(b).

Dated: New York, New York,
July 29, 2008.

KERNER & KERNER

s/_____
KENNETH T. KERNER (KK 5736)
Proposed Incoming Attorneys for Plaintiff
Office & P.O. Address
74 Trinity Place
New York, New York 10006
(212) 964-1098

TO: STEVEN SIEGEL, ESQ. (VIA ECF)
GERALD NEAL SWARTZ, ESQ. (VIA ECF)